

REMARKS

This is submitted in response to the Official Action mailed 18 June, 2004. A Petition for One Month Extension of Time, with Fee, is filed concurrently. Accordingly, this Response is timely. Claims 8 and 11-17 are pending.

The rejection of Claims 8 and 11-17 under §103(a) as unpatentable over GB 2186769 in view of EP 401754 is respectfully traversed.

GB2186769 (GB '769) discloses a conductive glass plate, coated with a transparent conductive film, suitably used as a window glass of an automobile, and electrically heated for thawing or defrosting (p.1, lines 7-14). GB '769 mentions that such an arrangement may serve to reflect solar heat (p.1, lines 63-64). The glass plate is designed so that the electrical current is not supplied to the entire surface of the transparent conductive film, and flow paths of the current are limited by slits (p.1, lines 43-46). GB '769 discloses slits with a width of preferably between several micrometers and 50 μm , so that the slits are not visible to the naked eyes (p.1, line 129-p.2, line1).

It is submitted that the slits of GB '769 cannot be equated to the "data transmission windows" as defined in Claims 8 and 11-17, and thus the rejection on this basis is traversed.

Firstly, GB '769 does not suggest that electromagnetic data could pass through the slits; this document is completely silent as to the transmission of any data through the glass plate.

Secondly, GB '769 refers to forming slits by blade or laser cutting, but does not make any reference to the coating being removed in a way to support the statement in the rejection to provide "ample unshielded area to enable electromagnetic energy to pass unimpeded". (emphasis added) And, since GB '769 does not describe such a data transmission window, there would be no reason to have such full removal of the coating.

Thirdly, it is clear for a person of ordinary skill in the art that the transmission of electromagnetic data cannot be envisaged with slits having a width of several microns; the slits of GB '769 are not adapted to function as data transmission windows. Furthermore, from the disclosure of GB '769 it could not be envisaged to provide an emitter/receiver placed behind the slits of GB '769.

The nonconductive portions surrounded by the slits disclosed by GB '769 could not be interpreted as "data transmission windows" either. GB '769 does not disclose nor suggest that these nonconductive portions are devoid of the conductive film.

Finally, in this regard, Applicant submits that there is a difference between "leakage" of electromagnetic radiation through the slits of GB '769 (on which the document is silent but which the Examiner suggests is present) and the ability of a portion of a glazing panel to act as a data transmission window, i.e., to allow passage of a data signal with sufficient accuracy and without inducing unacceptable levels of noise, errors or distortions. In other words, the mere "leakage" of electromagnetic radiation through the slits can not reasonably be equated with or considered a teaching of a data transmission window – it can not be a teaching of ample transmission of electromagnetic radiation. The concept of a data transmission window which permits electromagnetic transmission such as for the automatic payment at toll barriers, as set forth in the present application, with the requisite accuracy and reliability to function as a data transmission window, i.e., to function as intended, can not realistically be equated with "leakage" of electromagnetic radiation through narrow slits. And, since the reference itself does not mention use of a data transmission window, there is no basis to extrapolate the teachings of this reference to cure the deficiencies noted above.

Each of the independent claim also requires, *inter alia*, that the data transmission window be positioned adjacent to either the top edge or the bottom edge of the glazing panel

(Claim 8). See also subparts (a) and (b) of Claim 11. Claims 8 and 11 are the two independent Claims. This is not at all disclosed or suggested by GB ‘769.

Independent Claim 8 further requires, *inter alia*, that the first bus bars is arranged “substantially adjacent to and extends substantially along the first edge of the glazing panel” and the second bus bar is arranged arranged “substantially adjacent to and extends substantially along the second side edge of the glazing panel”. Independent Claim 11 requires, in this regard, a first bus bar “positioned adjacent a first side edge” of the glazing panel and the second bus bar “positioned adjacent a second side edge” of the glazing panel. The Examiner relies on Figures 2-5, 9 and 15 of GB ‘769 but these Figures do not show bus bars to be arranged as set forth in the independent claims

In order to further demonstrate that the foundation of the present rejection is incorrect, Applicant points out that the purpose of the slits 34 in the reference is not for ample electromagnet radiation transmission but rather to specifically perturb the heating arrangement. To clarify the present invention in this regard, it should be noted that “the arrangement of the solar control coating, the bus bars and the data transmission window is such as to allow the coating layer to cover at least the majority of the light transmitting surface of the windscreens without provoking significant perturbation in the heating arrangement of the coating layer” (Independent Claims 8 and 11, the only pending Independent Claims)..

GB ‘769 teaches away from such heating of the glass plate. Slits 34 are especially created so that the current density near the distal ends of the slits is higher for a rapid thawing or defrosting in this region (p.2, lines.29-34). Embodiments of Figures 13, 16 and 17, which incorporate bus bars along the side edges of the glazing panel, show different heating patterns all characterised in that portions near the distal ends of the slits are preferably defrosted, having high current density.

Applicant further respectfully suggests that it is incorrect to simply say that "the claims differ from GB2186769 in calling for the glass plate to be a windscreen" (see Office Action of 06/18/2004, page 3), since GB '769 does not teach, *inter alia*, the invention as set forth in the claims.

The reliance on EP 401754 (EP '754) for the proposition that a thin film electric heater may be used for either a front windscreen or a rear windscreen. But this document does not suggest any data transmission window, and there is no teaching that the art involving data transmission windows can be equated with the art of thin film electrically heated front and rear windscreens. Thus there is no basis or motivation for the combination of these two references.

Furthermore, while EP '754 refers to the desirability of uniformly heating glass as noted by the Examiner, (Office Action, page 4, first full paragraph), this directly teaches away from GB '769 which teaches perturbations in the heating. There is no basis for combining these two references.

The combination of GB2186769 and EP401754 would thus not have led the person of ordinary skill in the art to the invention as defined in the claims.

Accordingly, reconsideration and allowance are respectfully solicited.

Respectfully submitted,

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